



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 222 – FRIDAY 13 APRIL 2018

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Bob Shewring, Wendy Smith and Christine Simpson

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann- Marie Dooley, Fiona Ray and Sally Graetz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.15 am and closed at 2.45 pm

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 INTENSIVE ANIMAL HUSBANDRY (CROCODILE FARM) IN FOUR STAGES
PA2017/0543 LOT 21 (35) WARREN ROAD, HUNDRED OF GUY
APPLICANT ELTON CONSULTING

DAS tabled further information from the applicant.

Mrs Hanna Steevens (Elton Consulting) and Ms Charlene O'Sullivan (BA Crocs) attended.

Submitters in attendance: Ms Mara Berg, Mr Jim Patton and Mr Andrew Bergs.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent
53/18 Authority refuse to consent to the application to develop Lot 21, (35) Warren Road, Hundred of Guy for the purpose of intensive animal husbandry (crocodile farm) in four stages for the following reasons:

REASONS FOR THE DECISION FOR REFUSAL

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The authority considers that the application does not adequately respond to the relevant clauses of the NT Planning Scheme that apply to the land. Pursuant to Clause 2.7 (Reference to Policy) of the NT Planning Scheme the application does not demonstrate that there is access to sufficient water for the proposed use or that the use can be managed to avoid environmental impact.

Clause 2.7 requires that the application give consideration to the Litchfield Subregional Land Use Plan 2016. The Plan provides a detailed level of planning including statements of policy specific to the Litchfield subregion. It is the aim of the Plan to facilitate balanced development, maintain rural lifestyles, support economic development and protect the long term sustainability of land and groundwater resources. A Priority Environmental Management map forms part of the Plan.

The Priority Environmental Management (PEM) map identifies areas where development should give priority to the natural environment and where there may be a need for assessment of potential environmental impacts. Measures for the management of environmentally sensitive areas must be identified in any proposals for activities such as aquaculture and horticulture. Approximately 3ha of the north-east corner portion of Lot 21 contains a wetland and is identified as a PEM. Advice from the Department of Environment and Natural Resources indicates that the risks to the wetland system could be effectively managed however, the authority considers that the application fails to demonstrate how priority is given to the natural environment.

The authority notes that the purpose of Clause 10.1 (Animal related uses) is to minimise the adverse effect of animal related activities on the environment and to ensure that those activities do not detract from the amenity of the locality. The clause states that premises for the keeping of animals for the purposes of...intensive animal husbandry... are to be designed and operated so as not to, amongst others, create risk of pollution of ground and surface waters and contribute to the erosion of the site or other land.

The application does not provide sufficient detail with regard to the systems that will be in place to ensure there will be no pollution of ground or surface waters or how the land will be managed to avoid erosion. The environmental report submitted as part of the application does not provide detail regarding to environmental risk or management as a consequence of animal related use.

The authority considers that the application fails to adequately address the requirements of Clause 10.3 (Clearing of Native Vegetation - Performance Criteria). Specifically the application does not to demonstrate an adequate consideration of the following:

- the Northern Territory Land Clearing Guidelines 2010;
- whether there is sufficient water for the intended use;
- the presence of seasonal and permanent water features; and
- the retention of native vegetation adjacent to waterways and wetlands.

The authority notes that the purpose of Clause 10.2 (Clearing of Native Vegetation in Zones H...) is to ensure that the clearing of native vegetation does not unreasonably contribute to environmental degradation of the locality and that the clearing of native vegetation is to, amongst others, be based on land capability and suitability for the intended use and avoid impacts on drainage areas, wetlands, and waterways. The application fails to demonstrate that the land is suitable for the intended use and the level of detail in the application does not allow the authority to determine whether the development will contribute to the environmental degradation of the locality.

Advice from the Department of Environment and Natural Resources indicates that there is no current ground water extraction licence in place for this property; the water resource is already over allocated and applications for new ground water extraction licences from this resource are unlikely to be supported. In the absence of a license the applicant proposes to harvest rainwater and cart the remaining water required to meet its estimated requirement of 500,000 litres per week. The application does not include information detailing the infrastructure required to collect the desired amount of rainwater; the number of truck movements involved in carting water to the site or how truck movements would impact on the existing infrastructure in the locality to enable the authority to determine whether there is sufficient water for the intended use.

2. Pursuant to section 51 (e) of the *Planning Act*, the consent authority must take into account any submissions made under Section 49, and any evidence or information received under Section 50 in relation to the development application.

Two public submissions were received during the public exhibition of the proposal. Concerns related to the extent of land proposed to be cleared, water use, impacts on the local community, pollution, and impacts on biodiversity. The authority has considered these submissions and in its determination identified that these concerns have been inadequately addressed in the application.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Advice from the Department of Environment and Natural Resources indicates that a wetland occurs in the north-east corner of the lot which drains into Fogg Dam Conservation Reserve and recommends that disturbance and clearing is excluded from the wetland and a 50m wide buffer of native vegetation be retained. The proposal requires a large portion of the site to be cleared and the authority considers that the application has failed to demonstrate how the potential impact on neighbouring properties, the wetland and the Fogg Dam Conservation reserve have been considered.

The Department of Environment and Natural Resources advises that there is no current ground water extraction licence in place for this property; the water resource is already over allocated and applications for new ground water extraction licences from this resource are unlikely to be supported. The authority considers that the application does not provide a level of detail to allow it to determine whether the development will contribute to environmental degradation of the locality.

ACTION: Notice of Refusal

**ITEM 2
PA2013/0593
APPLICANT**

**EXTENSION OF TIME – SUBDIVISION TO CREATE TWO LOTS
SECTION 10 (470) LOWTHER ROAD, HUNDRED OF STRANGWAYS
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED
54/18**

That, pursuant to section 59(3)(a) of the *Planning Act*, the Development Consent Authority consent to the application to extend the base period of Development Permit DP13/0726 for the purpose of a two lot subdivision at Section 10 (470) Lowther Road, Hundred of Strangways for a period of six months.

REASON FOR THE DECISION

1. A further six month extension is considered reasonable to enable the applicant to complete the subdivision proposal and subsequently seek the necessary clearances from the relevant services authorities.

ACTION: Extension of Time

ITEM 3
PA2018/0045
APPLICANT

UNIT TITLE SCHEMES SUBDIVISION TO CREATE FOUR LOTS AND COMMON PROPERTY SECTION 6559 (9) CONSTANT STREET, HUNDRED OF BAGOT EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
55/18

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6559 (9) Constant Street, Hundred of Bagot for the purpose of a unit title schemes subdivision to create four units and common property, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawing numbered 2018/0045/01 endorsed as forming part of this permit.
2. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
3. Part V Clearance for subdivision into units under the *Unit Titles Scheme Act* will not be granted until the relevant Certificate of Compliance has been issued for the development as shown on Development Permit DP14/0325.
4. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated.
Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
5. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

6. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP14/0325 as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown on the survey plan as Common Property.
7. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
8. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

NOTES:

1. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 (surveylandrecords@nt.gov.au).

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposed unit titles scheme subdivision to create four units and common property is fully compliant with the provision of Clause 11.1.5 (Subdivision for the Purpose of a Unit Title Schemes) of the NT Planning Scheme. The application is consistent with the development approved under DP14/0325.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is capable of supporting the proposed development as the unit titles scheme subdivision is consistent with the requirements of the NT Planning Scheme and the purpose of Zone MD (Multiple Dwelling). Furthermore, the application was circulated to relevant service authorities and no issues in relation to land capability were raised.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2018/0102
APPLICANT**

**EXCAVATION AND FILL
SECTION 4572 (500) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr David Hutchinson (landowner) attended.

A contour plan of the area was tabled..

Submitter Mr Michael Buckley attended.

Litchfield Council tabled three plans showing the flow of the area.

**RESOLVED
56/18**

That, pursuant to section 53(a) of the *Planning Act* the Development Consent Authority, consent to the application to develop Section 4572 (500) Redcliffe Road, Hundred of Strangways for the purpose of Excavation and Fill subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains.
6. Re-seeding of the stockpile must be undertaken to establish adequate grass cover, specifically on the southern batter, within three months of the date of this approval, to the satisfaction of the consent authority.

7. Appropriate erosion and sediment control measures must be effectively implemented throughout the life of the stockpile, and all distributed soils must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority.

NOTES:

1. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates.

The stockpile was assessed against Clause 6.16 (Excavation and Fill) of the NT Planning Scheme (NTPS) and generally complies. The stockpile does not impede potential future development of the lot for rural living purposes in accordance with Zone RL (Rural Living).

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One submission was received which raised concerns regarding erosion and sediment control, runoff and amenity issues.

A condition precedent requiring the submission and approval of a stormwater management plan, and conditions relating to re-seeding and erosion and sediment control measures have been included to address the issues as raised.

While the submission raised concerns regarding amenity impacts, the authority considers the use to be consistent with development/activities likely to occur on land zoned RL (Rural Living) and will not prevent potential future development of the site.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

To ensure compliance with the purpose of Clause 6.16 (Excavation and Fill), a condition precedent has been included in the recommended conditions requiring the submission of a stormwater management plan for the approval of Litchfield Council to mitigate potential stormwater drainage impacts to adjoining properties.

Additionally, the Department of Environment and Natural Resources have recommended reseeded of the stockpile to establish adequate grass cover to mitigate erosion. Erosion and sediment control measures are to be employed and maintained for the life of the stockpile and conditions are included on the development permit to address these requirements.

No further issues were raised by service authorities with respect to the capacity of the land to support the stockpile and therefore the land is considered capable of supporting same.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2018/0039
APPLICANT**

**CHANGE OF USE FROM SHOWROOM SALES TO MOTOR REPAIR STATION
SECTION 6570 (43) FAIRWEATHER CRESCENT, HUNDRED OF BAGOT
CARUSI LIMBERT PTY LTD**

Ms Lisa Carusi and Mr Joshua Limbert (Carusi Limbert Pty Ltd) attended.

Submitter Litchfield Council (represented by Natasha McAllister) attended.

**RESOLVED
57/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 6570 (43) Fairweather Crescent, Hundred of Bagot for the purpose of a change of use from showroom sales to motor repair station to enable the applicant to seek clarification from Power Water Corporation regarding its servicing requirements.

REASONS FOR THE DECISION FOR DEFERRAL

1. The authority is prepared to accept the reduction in car parking from eight to six car parking spaces pursuant to Clause 6.5.2 (Reduction in Parking Requirements) as the small scale nature of the use with two mechanics and two hoists results in a limited number of cars being serviced daily; and the commercial complex approved under DP12/0740 provides for a total of 75 communal car parking spaces for all tenancies in the complex and given the types of businesses present cross utilisation of car parking can occur.

Nevertheless, the authority will defer the application at the request of the applicant to enable it to determine Power Water Corporation service requirements as outlined in comments received on 19 February 2018 in response to the application.

**RESOLVED
58/18**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 6570 (43) Fairweather Crescent, Hundred of Bagot for the purpose of a change of use from showroom sales to motor repair station Planning Scheme subject to:

- Receiving a response from the applicant in relation to Power Water Corporation service requirements; and

Conditions as determined by the delegate.

ACTION: Advice to Applicant

**ITEM 6
PA2018/0056
APPLICANT**

**CHANGE OF USE FROM SHOWROOM SALES TO MOTOR REPAIR STATION
SECTION 6570 (43) FAIRWEATHER CRESCENT, HUNDRED OF BAGOT
NT POWERSPORTS**

Ms Inga Macfarlane and Mr Scott MacFarlane (NT Powersports) and Mr Peter Donovan (Motor Trade Association) attended.

Submitter Litchfield Council (represented by Natasha McAllister) attended.

**RESOLVED
59/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent defer consideration of the application to develop Section 6570 (11/43) Fairweather Crescent, Hundred of Bagot for the purpose of a change of use from showroom sales to motor repair station to enable the applicant to seek clarification from Power Water Corporation regarding its servicing requirements and to submit a business management plan identifying management practices to address potential parking issues including (but is not limited to):

- Ensuring customers collect vehicles within an allocated timeframe;
- Limiting the number of spaces to be used for storage of all-terrain vehicles associated with the motor repair station; and
- Storing new all-terrain vehicles associated with the showroom outside only outside business hours.

REASONS FOR THE DECISION

1. The authority is prepared to accept the reduction in car parking from 13 to six car parking spaces provided a business management plan is submitted to the authority identifying methods to addressing potential parking issues.

Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), the authority considers that a reduction in car parking from 13 to six car parking spaces is acceptable as a business management plan can be developed to address any potential parking issues.

The authority considers the car parking requirement calculation across the whole site noting that the complex approved a total of 75 communal car parking spaces for all tenancies and that a shortfall of less than one car park space per tenancy will occur as a result of this development.

Nevertheless, the authority will defer the application at the request of the applicant to enable it to determine Power Water Corporation service requirements as outlined in comments received on 16 March 2018 in response to the application.

**RESOLVED
60/18**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 6570 (11/43) Fairweather Crescent, Hundred of Bagot for the purpose of a change of use from showroom sales to motor repair station Planning Scheme subject to:

- Receiving a response from the applicant in relation to Power Water Corporation service requirements; and

Conditions as determined by the delegate.

ACTION: Advice to Applicant

**ITEM 7
PA2018/0037
APPLICANT**

**SHOWROOM SALES WITH ANCILLARY OFFICES IN 1 X 2 STOREY BUILDING
IN TWO STAGES
SECTION 6569 (5) FAIRWEATHER CRESCENT, HUNDRED OF BAGOT
TAILOR-MADE BUILDING SERVICES PTY LTD**

Mr Ray Somerville and Mr David Page (Tailor-Made Building Services Pty Ltd) attended.

Submitter Litchfield Council (represented by Natasha McAllister) attended.

**RESOLVED
61/18**

That, the Development Consent Authority vary Clause 6.5.3 (Parking Layout) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6569 (5) Fairweather Crescent Hundred of Bagot, for the purpose of showroom sales with ancillary offices and warehouse in 1 x 2 storey building, to be developed in 2 stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the internal driveway along the western boundary to be illustrated as "driveway" to clearly indicate that it is internal to the site;
 - (b) feature paving/treatment to be illustrated and installed the full length of the driveway, as the access driveway is intended to service multiple unit titled lots;
 - (c) the southern driveway on Fairweather Crescent to be made as an entry on access; and

- (d) swept path diagrams to illustrate how a delivery truck will access the loading bay and the bin area via the rear access and how the design vehicle will be entering and exiting the site via a 6m standard driveway; to the requirements of Litchfield Council.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a qualified person, experienced in the investigation and assessment of contaminated land, must provide clearance that the grounds of the site are free of contaminants, to the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
 3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and/or Litchfield Council stormwater drainage system shall be submitted to and approved by the Transport and Civil Services Division, and/or the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the Transport and Civil Services Division's and/or the Litchfield Council's system.
 4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
7. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development

shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

10. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather-seal coat;
 - d) drained;
 - e) line marked to indicate each car space and all access lanes; and
 - f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.
12. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and to Litchfield Council, to the satisfaction of the consent authority.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, and the owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers
 - b) provide footpaths/ cycleways
 - c) undertake reinstatement works.All to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
15. Provision must be made on the land for the storage of waste disposal bins to the requirements of Litchfield Council. This area must be graded, drained and screened from public view to the satisfaction of the consent authority.
16. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
17. All proposed works impacting on the Stuart Highway service road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within NT Government Road Reserves".

18. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
20. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
23. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of at ground level in a controlled manner, to the satisfaction of the consent authority.
24. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).

NOTES:

1. Upon completion of any works within or impacting upon the Stuart Highway Service Road, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
2. A "Permit to Work Within a Road Reserve" may be required from Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and/or Litchfield Council before commencement of any work within the road reserve.
3. Access from the Stuart Highway Service Road shall be permitted by the Road Authority and in accordance with Transport and Civil Services Division urban commercial property access standards. The location and configuration of the access shall be referred to the department for approval.
4. No temporary access for construction purposes shall be permitted from the Stuart Highway/Service Road road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway/Service Road road reserve.
5. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of

materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.

6. Dryland grassing shall be established on the Stuart Highway Service Road verge fronting the development and shall be undertaken to the Department's standards and requirements.
7. Where unfenced, the Stuart Highway/Service Road frontage to be appropriately fenced in accordance with the Departments standards and requirements and any gates provided are to be fixed to open inwards only.
8. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
9. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
10. Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.
11. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.
12. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
13. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
14. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates.

The proposal for showroom sales is consistent with the requirements of the NT Planning Scheme and the purpose and intent of Zone C (Commercial) within the Coolalinga activity centre. The development is of a scale and character similar to that of the development in the area and generally complies with the relevant requirements of the NT Planning Scheme.

A variation to Clause 6.5.3 (Parking Layout) sub-clause 3(g) to vary the landscape buffer to the car parking area from 3m to a varying depth of 2m to 0.5m can be granted as per Clause 2.5 (Exercise Discretion by the Consent authority) as special circumstances apply. In this instance, the authority considers the variation acceptable due to the truncation that occurs on the corner of the Stuart Highway service road and Fairweather Crescent; the additional landscaping provided along the service road frontage, the bike rack area and between a number of car parking spaces to offset the variation sought. In addition, the application indicates that the reduction to the landscape buffer on the corner of the site will also cater for larger four wheel drive vehicles which will provide for more appropriate traffic movement on site.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received in relation proposed landscaping along the road frontages and generally landscaping of developments within the Coolalinga area. It is considered that the submitter's concerns are addressed in the reasons for the recommendation and the conditions included in the development permit.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is relatively flat and cleared. The adjoining sites are undeveloped however the proposal is considered to be compatible with the Coolalinga activity centre. Provided stormwater is appropriately managed, the land is considered capable of supporting the proposed development. A condition precedent has been included to ensure stormwater is managed to the requirements of Litchfield Council.

4. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The Northern Territory Environmental Protection Authority (NTEPA) advised that historical land use of the property has been identified as horticulture and horticultural activities have been linked to site contamination. A condition precedent has been included to ensure the grounds of the site are free of contaminants, prior to the commencement of works and endorsement of plans.

5. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

While the adjoining land is undeveloped, the proposal is consistent with development with the Coolalinga activity centre. The site will be appropriately landscaped, and the building design well thought out and is not considered to unreasonably impact on the amenity of the area.

ACTION: Notice of Consent and Development Permit

RATIFIED AS AN RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair

23 April 2018